

No. 15-10322

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

GORDON LEROY HALL,

Defendant-Appellant.

DC# CR-14-00184-NVW-1

**Motion to File *Ex Parte*, Sealed
Volume of Excerpts of Record**

**(Filed Under Seal Pursuant to
Interim Circuit Rule 27-13(e))**

Defendant-Appellant Gordon Leroy Hall hereby moves, pursuant to Interim Circuit Rule 27-13(e), to file the separate *Ex Parte*, Sealed Excerpts of Record included herewith *ex parte* and under seal. This separate volume contains transcripts of hearings that were conducted *ex parte* and under seal in the district court because they involved discussions of Mr. Hall's communications with his counsel in connection with this case, and thus their release to the public or to opposing counsel would infringe upon the attorney-client and work product privileges, as well as the duty to protect client confidentiality. See Fed. R. Evid. 501, 502; *United States v. Zolin*, 491 U.S. 554, 562 (1989); *United States v. Bergonzi*, 216 F.R.D. 487, 494 (N.D. Cal. 2003); Ariz. S. Ct. R. 42, Rules of Prof. Conduct, ER 1.6. Because these same concerns would be implicated by making

these materials available to the public or opposing counsel in connection with this appeal, the sealed and *ex parte* character of these materials should be maintained.

Respectfully submitted this 5th day of April 2016.

JON M. SANDS
Federal Public Defender

s/Daniel L. Kaplan
DANIEL L. KAPLAN
Assistant Federal Public Defender

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

**CERTIFICATE OF SERVICE
SEALED DOCUMENTS
INTERIM CIRCUIT RULE 27-13**

Case Number: 15-10322

Case Title: United States of America v. Gordon Leroy Hall

Note: Documents to be filed under seal are to be submitted electronically. As the parties will not have online access to those documents once they are submitted, the CM/ECF electronic notice of filing will not act to cause service of those documents under FRAP 25(c)(2) and Ninth Circuit Rule 25-5(f). Interim Circuit Rule 27-13(c) therefore requires an alternative method of serving the motion or notice to seal and the materials to be sealed.

I certify that I have provided a paper copy of the document(s) listed below to all other
☒ parties via personal service, mail, or third-party commercial carrier on the date noted below. *See* FRAP 25(c)(1)(A) – (C).

I certify that, having obtained prior consent, I have provided a copy of the document(s)
☐ listed below to all other parties via electronic mail. *See* FRAP 25(c)(1)(D); Interim Circuit Rule 27-13(c).

DESCRIPTION OF DOCUMENTS:

1.) Motion to File Ex Parte, Sealed Volume of Excerpts of Record.

Signature: s/Daniel L. Kaplan

(use "s/" format with typed name)

Date: April 6, 2016